



Economic Impact Analysis Virginia Department of Planning and Budget

18 VAC 90-25 – Regulations Governing Certified Nurse Aides Department of Health Professions June 5, 2003

The Department of Planning and Budget (DPB) has analyzed the economic impact of this proposed regulation in accordance with Section 2.2-4007.G of the Administrative Process Act and Executive Order Number 21 (02). Section 2.2-4007.G requires that such economic impact analyses include, but need not be limited to, the projected number of businesses or other entities to whom the regulation would apply, the identity of any localities and types of businesses or other entities particularly affected, the projected number of persons and employment positions to be affected, the projected costs to affected businesses or entities to implement or comply with the regulation, and the impact on the use and value of private property. The analysis presented below represents DPB's best estimate of these economic impacts.

Summary of the Proposed Regulation

The Board of Nursing (board) proposes to establish 18 VAC 90-25, Regulations Governing Certified Nurse Aids to replace regulatory language concerning nurse aids and nurse aide education programs that currently exists within 18 VAC 90-20, Regulations Governing the Practice of Nursing. The proposed regulations are for the most part identical to current requirements for nurse aide certification and education program approval. The board does propose the following changes: 1) add requirement that nurse aide education programs provide each student with a copy of his certificate of completion, 2) add requirement that all instructional personnel shall have experience in teaching adults or high school students, 3) increase the minimum number of hours of core instruction that students of nurse aide programs must complete prior to their contact with a nursing facility client, 4) add requirement that applicants for licensure by endorsement submit a verification form to the credentialing agency in each state in which the applicant has been registered, certified, or licensed, and 5) add clarifying language.

Estimated Economic Impact

According to the Department of Health Professions (department), there have been problems with some nurse aide education programs not providing students with a certificate of completion. Consequently, some students have had difficulty demonstrating that they have completed training when applying for employment. The board therefore proposes to require that programs provide each student with a copy of his certificate of completion as a condition for maintaining their approved status. Since certificates of completion are valuable to recipients who are on the job market as proof of their training, this proposal will be beneficial to the extent that nurse aide education programs that have failed to issue certificates of completion change their behavior in response to the proposed requirement.

Under both the current and proposed regulations, instructional personnel for nurse aide education programs must demonstrate competence to teach adults prior to being assigned to teach. The current regulations list the methods by which competence to teach adults can be demonstrated: 1) satisfactorily complete a course on teaching adults, 2) have experience teaching adults, or 3) have experience in supervising nurse aides. The board has found that experience in supervising has not correlated with success in teaching.¹ Thus, the board proposes to remove “experience in supervising nurse aides” as an approved method by which competence to teach adults can be demonstrated. In addition, the board proposes to add experience teaching high school students to the list of methods by which competence to teach adults can be demonstrated.

Potential instructors without teaching experience, who could demonstrate competence through supervision under the current regulations, will instead under the proposed regulations need to satisfactorily complete a course on teaching adults. All instructional personnel must be either a registered nurse or a licensed practical nurse. The median hourly wages for registered nurses and licensed practical nurses in Virginia are \$21.03 and \$14.09, respectively.² According to the department, a half-day of in-house instruction from a current instructor is sufficient to cover the necessary material for a course on teaching adults. Assuming that the value of a nurse’s time is equal to her median hourly wage and that the training program lasts 4 hours (one half work day), then the cost for a registered or licensed practical nurse to take the course on

¹ A formal study was not conducted. This determination was based on anecdotal evidence.

² Source: U.S. Department of Labor, Bureau of Labor Statistics, 2001 State Occupational Employment and Wage Estimates

teaching adults would be \$84.12 or \$56.36, respectively.³ If the instructors' teaching skills are significantly improved by satisfactorily completing the course, then the benefits of eliminating the supervision option and essentially requiring the course may exceed the course's cost. The amount of the benefit depends on how much the instructors' teaching skills are improved, and how much difference the instructors' improved teaching skills make in the nurse aide students' learning and on-the-job performance. Since no data is available either on how much the course improves instructors' teaching skills, or how much difference the instructors' improved teaching skills make in the learning and on-the-job performance of the nurse aide students, an accurate estimate of the benefits of the effective requirement that instructors without teaching experience take the course cannot be made.

Under both the current and proposed regulations, nurse aide education programs are required to be at least 120 clock hours in length. The current regulations require that students receive at least 16 hours of instruction prior to direct contact with a nursing facility client. The board proposes to increase the minimum number of hours of instruction prior to direct contact with a nursing facility client to 24. The additional eight hours are intended to provide time to cover instruction in fall prevention, dealing with aggressive patients, communicating with sensory-impaired patients, and rules governing practice. According to the department, most nurse aide education programs, if not all, already provide at least 24 hours of classroom instruction prior to students' direct contact with a nursing facility client. Program directors Paula Smoot of Culpepper Baptist Retirement Community and Pamela Lane of Westminster-Canterbury in Richmond concur.⁴ Thus, this proposal will have little impact. For those few programs that do not already have at least 24 hours of classroom instruction prior to students' direct contact with a nursing facility client, the additional pre-contact training may produce a small reduction in the probability of problematic interactions with clients.

The board proposes to require that applicants for licensure by endorsement submit a verification form to the credentialing agency in each state in which the applicant has been registered, certified, or licensed at any time in the past. Under the current regulations, the requirement is only for states where the applicant has been registered, certified, or licensed within the last two years. The board proposes this amendment so as to become informed of any

³ Calculations: $\$21.03 \times 4 = \84.12 ; $\$14.09 \times 4 = \56.36

findings of patient neglect, abuse or misappropriation of client property by the applicant that occurred in another state more than two years ago. Since the requirement for the applicant is that he “submit the required verification form to the credentialing agency,” not that the department receives the information from other states, the applicant will not be penalized by slow responses to form submissions in other states. Most states, including Virginia, do not charge a fee for submission of verification forms.⁵ Thus, the additional cost to applicants for licensure by endorsement of the proposed amendment is only time it takes to obtain, fill out, and send verification forms to credentialing agencies in states where they were registered, certified, or licensed prior to two years earlier.

To the extent that applicants comply with this proposed requirement, it will be beneficial in that the board will become better aware of past misconduct by applicants for licensure by endorsement. Also, some potential applicants who had been found guilty of misconduct more than two years ago may become discouraged from applying for licensure by endorsement under the new proposed requirement. Thus, the proposed amendment may help prevent individuals that have demonstrated that their conduct may be dangerous for patients from becoming licensed as nurse aides in Virginia. Since the cost of compliance is relatively small, and the benefit of potentially preventing the exposure of patients to dangerous aides may be large, the proposal to extend the verification form requirement for out-of-state registration, certification, and licensure beyond the previous two years most likely produces a net benefit.

Businesses and Entities Affected

The proposed amendments affect the estimated 36,000 nurse aides and their patients and employers, the 231 approved nurse aide education programs and their students and staff, as well as individuals and entities that may consider becoming nurse aides or nurse aide education programs, respectively. In addition, registering, certifying, and licensing agencies in other states may be affected by the proposal to require that applicants for licensure by endorsement submit a verification form to the credentialing agency in each state in which the applicant has been registered, certified, or licensed at any time in the past.

⁴ Information obtained through phone interviews.

⁵ Source: Department of Health Professions

Localities Particularly Affected

The proposed regulations affect all Virginia localities.

Projected Impact on Employment

The proposed amendments will not significantly affect employment levels.

Effects on the Use and Value of Private Property

The proposed amendments will not have a large impact on the use and value of private property.